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Paper No. 7

CELERA GENOMICS CORP.
ATTN: WAYNE MONTGOMERY,
VICE PRES, INTEL PROPERTY
45 WEST GUDE DRIVE
C2-4#20
ROCKVILLE, MD 20850

COPY MAILED

APR 26 2004

OFFICE OF PETITIONS

In re Application of :
Yan et al. :
Application No. 09/778,961 :
Deposited: February 8, 2001 : ON PETITION
Title of Invention: :
ISOLATED HUMAN PHOSPHOLIPASE :
PROTEINS, NUCLEIC ACID :
MOLECULES ENCODING HUMAN :
PHOSPHOLIPASE PROTEINS, :
AND USES THEREOF :

This is a decision on the Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181, filed November 21, 2003, to revive the above-identified application. The delay in treating this petition is regretted.

The petition is granted.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), mailed March 29, 2001. The Notice required the basic filing fee, additional claims fees, an oath or declaration and a late filing fee oath or declaration, and set a two (2) month period for reply. No reply having been received, the above-identified application became abandoned May 30, 2001. A Notice of Abandonment was mailed on November 18, 2003.

Applicant's Assertion

Applicant asserts that a timely reply to the Notice, in the form of the basic filing fee, additional claims fees, an oath or declaration and a late filing fee oath or declaration, was timely filed and received in the Office. In support of this assertion, Applicant provides a copy of the oath or declaration and a copy of Applicant's return-receipt postcard acknowledging receipt by this Office of, *inter alia*, the basic filing fee,

additional claims fees, an oath or declaration and a late filing fee oath or declaration, on August 13, 2001.


A review of Office finance for the above-identified application reveal that the basic filing fee, additional claims fees, a late filing fee oath or declaration and the fee for a three (3) month extension-of-time were received in this Office on August 13, 2001.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

In view of the above, the abandonment and holding of abandonment of the above-identified application are hereby withdrawn. No fee has been charged, and none is due.

The application is being returned to the Office of Initial Patent Examination for continued processing in due course.

Telephone inquiries should be directed to the undersigned at (703) 305-0014.


Derek L. Woods
Petitions Attorney
Office of Petitions